

REMARKS

Favorable reconsideration and allowance of the present application are respectfully requested. This amendment, in conjunction with the following remarks, is believed to place the application in immediate condition for allowance. Entry of this amendment and favorable consideration of the application respectfully are requested in view of the foregoing amendments and the following remarks. Claims 11-17 are pending in the application. The Title is amended to better describe Applicants' invention. Claim 11 is amended to clarify embodiments of Applicants' invention. Claims 18-21 are added. The amendments do not add new matter and require no further search. Thus, entry at this time is proper.

While claim 11 is amended, Applicants do not concede that the Office Action's statutory rejection is proper. The amendments are understood not to narrow the scope of the claimed embodiments, nor have they been made for reasons related to patentability. Rather, the amendments have been made to clarify the claimed embodiments. Thus, in future construction or interpretation, the amended claims should be entitled to a full range of equivalence.

Claims 11-17 Are Not Rendered Obvious In View Of The Cited Patents

Claims 11-17 stand rejected under 35 U.S.C. § 103(a) as allegedly rendered obvious by Kunzman et al. (U.S. Patent No. 6,054,832) in view of Hewlett et al. (U.S. Patent No. 5,812,303). To establish obviousness, the Office Action must meet three basic criteria. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art references must teach or suggest all the claim limitations. MPEP 2143. Applicants respectfully traverse each of these rejections in view of the foregoing amendments and following remarks.

As discussed above, the cited patents must disclose or suggest all the limitations of the claimed embodiments. Applicants maintain that the cited references, either alone or in combination, do not disclose or suggest all the claimed limitations. Specifically, the cited patents, either alone or in combination, do not disclose or suggest a signal converter portion to control a white light transmitting filter using a control signal that correlates to lower order bits, as recited in claim 11.

The Office Action concedes that Kunzman does not disclose or suggest all of the claimed limitations of independent claim 11. Specifically, the Office Action asserts that Kunzman does not disclose which filter is used in displaying information corresponding to the higher order and lower order bits of digital data. The Office Action alleges Hewlett describes the features missing from Kunzman.

Hewlett relates to light amplitude modulation with neutral density filters. Hewlett uses a color wheel (30) with a neutral density filter region for each primary color. Hewlett does not disclose or suggest a signal converter portion that controls a white light-transmitting filter by using a control signal that corresponds to lower-order bits as recited in amended claim 11. Because color wheel (30) is broken into different regions for each color, it is unclear the region to which a control signal would correspond. Applicants maintain that color wheel (30) of Hewlett does not disclose or suggest receiving a control signal correlating to lower order bits to control a white light-transmitting filter. Thus, Applicants respectfully maintain that the Office Action fails to establish obviousness with respect to claims 11-17.

Further, the Office Action fails to provide any evidence of a motivation to combine the cited patents to achieve Applicants' claimed embodiments. Specifically, the Office Action fails to

provide any evidence in the patents or in the knowledge of one ordinary skilled in the art, to combine the color wheel (18) of Kunzman having white portions with the color wheel (30) of Hewlett having three colors, each color having corresponding lower intensity regions.

Applicants maintain that the Office Action fails to provide any evidence of a motivation to combine the white regions of Kunzman with the three color regions of Hewlett. Applicants maintain that this combination will result in a color wheel having several regions of colors with differing color intensities, and regions of white. These additional regions would increase processing requirements for any control signals of the resultant color wheel. Further, the control signal of the claimed embodiments would be inoperable in such a configuration. As stated in MPEP 2143.01, if the proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. Thus, Applicants maintain that modifying Kunzman in view of Hewlett does not achieve Applicants' invention.

For at least the foregoing reasons, it is respectfully submitted that claims 11-17 are distinguishable over the cited patents. The remaining dependant claims are allowable at least by virtue of their dependency on the above-identified independent

claims. See MPEP 2143.01. Moreover, these claims recite additional subject matter, that are not disclosed or suggested by the documents taken alone or in combination.


Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact William F. Nixon (Reg. No. 44,262) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 
Michael R. Cammarata, #39,491


MRC/WFN/tmj
0925-0184P

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000